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Patrick C. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Dr. Chicago, IL 60606			EXAMINER SILVER, DAVID	
			ART UNIT 2128	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,974

Applicant(s)

MASUSHIGE ET AL.

Examiner

David Silver

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-11 were originally presented for examination.
2. Claims 1-11 were rejected.
3. Claims 1-11 are currently pending in Instant Application.
4. The Instant Application is not currently in condition for allowance.

Priority

5. **Background:**

"Applicants have claimed priority benefits of 2002-358569 filed 12/10/2002 in JAPAN. However, the claim to priority fails to meet the following requirement: 35 USC 119(a)(b)(3), which states:

(3) The Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other information as the Director considers necessary. Any such certification shall be made by the foreign intellectual property authority in which the foreign application was filed and show the date of the application and of the filing of the specification and other papers.

" (Previous Office Action dated 8/24/06, paragraph 2)

6. **Applicants argue:**

Applicants have not remarked or addressed the above statement in the Previous Office Action.

7. **Examiner Response:**

Priority request is acknowledged but not granted in view of the above-cited deficiency.

Response to Arguments

Response: Objection

8. **Background:**

- 8.1 Fig. 1, 2, and 3 were objected-to for illustrating only that which is old without a "Prior Art" label"
- 8.2 Abstract was objected-to for containing typographical error(s).
- 8.3 Claim 11 was inadvertently numbered claim 12.

9. **Applicants argue:**

- 9.1 "The attached sheets of drawings includes changes to Figs. 1, 2 and 3. Annotated sheets showing the changes are attached. The replacement sheets contain the words "Prior Art" and replace the originally filed sheets." (Remarks dated 1/22/2007 ("Remarks"): page 2)

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9.2 "The abstract has been amended." (Remarks: top of page 14)

9.3 "In this amendment, claim 12 has been renumbered as claim 11." (Remarks: top of page 14)

10. **Examiner Response:**

10.1 The drawings were received on 1/22/2007. These drawings are **acceptable**.

10.2 The objections to the drawings, abstract, and claim 11 (currently renumbered) have been **withdrawn** in view of the proper respective amendments.

11. **Background:**

11.1 Claims 1, 3, 6, 7, 9, and 10 stand objected to: it appears that the phrase "in response to the coordinate at which" is referring to "in response to the detecting the coordinate at which". The phrase will be interpreted as the latter version containing "the detecting".

11.2 Claims 1, 3, 6, 7, 9, and 10 stand rejected under 35 USC §112 first paragraph enablement because the claims appear to imply that the coordinate is an event however this not supported by the claim in order to allow one of ordinary skill in the art to make and use the invention without undue experimentation

12. **Applicants argue:**

"The phrase "in response to the coordinate at which" in claims 1,3, 6, 7, 9 and 10 has been changed to "with reference to the coordinate at which", to address the claim objection in paragraph 8 of the Office Action, and the §112 rejection in paragraph 12 of the Office Action." (Remarks: middle of page 14)

13. **Examiner Response:**

Applicants are thanked for clarifying the invention they regard as their own by properly amending the Instant Claims in order to overcome the claim objections and the 35 USC 112 first paragraph rejections. The rejections have been **withdrawn**.

Response: Claim Interpretation

14. **Background:**

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The term "attribute" is not expressly defined by the specification, therefore it takes on its ordinary meaning in the art. Paragraph 63 of the published version of the Instant Applications recites "The attribute information represents the attribute such as a protecting field, a non-protecting field, a ruled line, a color, an alphabetic character field, a kana field, a Chinese character field, an initial position of a cursor, etc." This does not set the metes and bounds of the term "attribute".

IEEE's "The Authoritative Dictionary of IEEE Standards Terms 7th Edition" discloses "attribute" as, and therefore will be interpreted as:

"(2) (computer graphics) A characteristic of an item; for example, the item's color, size, or type. Note: in computer graphics, an attribute may be represented by the text or numerical data associated with the item."

15. Applicants argue:

In response to paragraph 10, the term "attribute" is more clearly defined in paragraph 8 of the published application (page 2, line 17 of the specification), without adding new matter.

16. Examiner Response:

Applicant's amendments do not produce a clear, deliberate, and precise definition of the term "attribute"; therefore, it is given its broadest most reasonable interpretation (see above). Claim interpretation **maintained**.

Response: 35 USC §102 Rejection

17. Background:

17.1 Claims 1-11 stand rejected under § 102 on the basis of Brooks '607.

18. Applicants argue:

18.1 "The claims have not been narrowed to overcome this rejection, and Applicants traverse for the following reasons." (Remarks: page 15)

18.2 "Brooks discloses a method to convert character-base screen data (CUI data) received from a host computer into graphical-base screen data (GUI data). Specifically, Brooks converts the character-base screen data for a plurality of pages into graphical-base screen data for one page. However, Brooks aims to convert all the functions and options of the character-base application into

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pull-down menus of the graphical-base screen, which is different from generating GUI screen data based on the CUI screen data (coordinate, character, attribute) according to the present invention."

(Remarks: page 15)

18.3 "Further, Brooks does not disclose the correction of GUI screen data with reference to the coordinate, as presently claimed. The Examiner refers to the underline and bold/reverse color row as the correction. However, the underline shows an initial short-cut command, and the bold/reverse color shows a selected row (a target to be processed), which is different from the correction of GUI screen data. Accordingly, withdrawal of this rejection is respectfully requested." (Remarks: page 15)

19. **Examiner Response:**

19.1 Regarding subsection 1 *supra*, Applicants' statement is noted. However, it is noted that Applicants' amendments indeed altered the scope of the claimed invention. As such, the Instant Office Action may include new grounds of rejections necessitated by amendment while maintaining finality.

For example, limitation 1 of claim 1 *previously* recited "detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data ...". As amended, the claim *currently* recites "detecting a coordinate at which a predetermined first attribute is set from coordinates, characters and attributes in CUI screen data".

19.2 Regarding subsection 2 *supra*, Applicants concede that Brooks converts CUI (character-base) screen data into GUI (graphical-base) screen data. Applicants then go on to state that what Books does is "different from generating GUI screen data based on the CUI screen". Applicants have conceded that Brooks' GUI screen data is based on the conversion of CUI (CUI to GUI). Therefore, Applicants' argument is unclear.

19.3 Regarding subsection 3 *supra*, Applicants' statement amounts to, at best, a conclusionary statement. Applicants merely state that Brooks does not perform correction of the GUI screen data. Meanwhile, it is clearly evident that Brooks indeed corrects the GUI screen data to reflect, for example, the underline attribute of the shortcuts and the newly selected menu item.

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19.4 The 35 USC 102 rejections are therefore **maintained**.

Claim Interpretation

20. The term "attribute" is not expressly defined by the specification, therefore it takes on its ordinary meaning in the art. Paragraph 63 of the published version of the Instant Applications recites "The attribute information represents the attribute such as a protecting field, a non-protecting field, a ruled line, a color, an alphabetic character field, a kana field, a Chinese character field, an initial position of a cursor, etc." This does not set the metes and bounds of the term "attribute".

IEEE's "The Authoritative Dictionary of IEEE Standards Terms 7th Edition" discloses "attribute" as, and therefore will be interpreted as:

"(2) (computer graphics) A characteristic of an item; for example, the item's color, size, or type. Note: in computer graphics, an attribute may be represented by the text or numerical data associated with the item."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. Claims 1, 3, 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooks (**US 5,831,607**).

Brooks discloses: 1. (Currently Amended) A host terminal emulation program that operates a client computer, a monitor being connected to the client computer for displaying of screens and to-a communication control unit being connected to the client computer for transmitting/receiving data to/from a host computer, said emulation program causing the client computer to perform the steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates, characters and attributes in character user interface (CUI) screen data generated in said host computer when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating graphical user interface (GUI) screen data in which GUI parts corresponding to said

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first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 45-48**);

correcting said GUI screen data with reference to the coordinate at which said first attribute is set (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 "Change"), and bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43**); and

displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brooks discloses: 3. (Currently Amended) A host terminal emulation program that operates a client computer, a monitor being connected to the client computer for displaying screens and a communication control unit being connected to the client computer for transmitting/receiving data to/from a host computer, said emulation program causing the client computer to perform the steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates characters and attributes in character user interface (CUI) screen data generated in said host computer when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating graphical user interface (GUI) screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data with reference to the coordinate at which said second attribute is set when a coordinate at which said second attribute is detected (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43**); and

displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107**

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/ 149, 4A-4C, Fig 1A, and texts which further expand on their features).

Brooks discloses: 5. (Currently Amended) A host terminal emulation program that operates a client computer, a monitor being connected to the client computer for displaying screens, and a communication control unit being connected to the client computer for transmitting/receiving data to/from a host computer, said emulation program causing the client computer to perform the steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates, characters and attributes in character user interface (CUI) screen data generated in said host computer when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating graphical user interface (GUI) screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

correcting the GUI screen data to transform said GUI parts when a coordinate at which said second attribute is not detected (**Fig 4A-4C and text which further expands on the features (emphasis on no attribute fields which do not have underline/bold/etc, col: 5 line: 37-43)**); and

displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brooks discloses: 6. (Currently Amended) A host terminal emulation method running on a client computer that transmits/receives data to/from a host computer, said emulation method comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates, characters and attributes in character user interface (CUI) screen data generated in said host computer

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when CUI screen data is received from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating GUI screen data in which graphical user interface (GUI) parts corresponding to said first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61, Fig. 4A-4C and their texts which further expand on their features**);

correcting said GUI screen data with reference to the coordinate at which said first attribute is set (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43)**); and

displaying a screen based on the corrected GUI screen data on a monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brooks discloses: 7. (Currently Amended) A host terminal emulation method running on a client computer that transmits/receives data to/from a host computer, said emulation method comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates, characters and attributes in character user interface (CUI) screen data generated in said host computer when CUI screen data is received from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating graphical user interface (GUI) screen data in which GUI-t parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data with reference to the coordinate at which said second attribute is set when a coordinate at which said second attribute is

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detected (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43)**); and

displaying a screen based on the corrected GUI screen data on a monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brooks discloses: 8. (Currently Amended) A host terminal emulation method running on a client computer that transmits/receives data to/from a host computer, said method comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates, characters and attributes in character user interface (CUI) screen data generated in said host computer when CUI screen data is received from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating graphical user interface (GUI) screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data to transform said GUI parts when a coordinate at which said second attribute is not detected (**Fig 4A-4C and text which further expands on the features (emphasis on fields with no attributes i.e. no bold/underline/etc, col: 5 line: 37-43)**); and

displaying a screen based on the corrected GUI screen data on a monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

As per claims 9, 10, and 12, note the rejection of claims 1, 3, and 5 above. The Instant Claims recite substantially same limitations as the above-rejected claims and therefore rejected under same prior-art teachings.

Allowable Subject Matter

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22. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. The reasons for indicating allowable subject matter have been set-forth in the Previous Office Action and are recited again below:

As per claim 2, the most relevant prior art of record is Brooks (**US 5,831,607**), which discloses: 1. A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of: detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**); generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 45-48**); correcting said GUI screen data in response to the coordinate at which said first attribute is set (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43)**); and displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brookes however does not expressly disclose or suggest that the GUI screen data is corrected to delete said GUI parts when the coordinate at which said first attribute is set represents the upper left corner of the screen. Wherein the correction is made in response to the coordinate at which said first attribute is set.

As per claim 4, the most relevant prior-art of record is Brooks (**US 5,831,607**), which discloses: A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of: detecting a coordinate at which a predetermined first

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attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**); generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**); detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data in response to the coordinate at which said second attribute is set when a coordinate at which said second attribute is detected (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43)**); and displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brookes however does not expressly disclose or suggest that the said GUI screen data is corrected to transform said GUI parts when a coordinate at which said second attribute is detected and the line including the coordinate at which said second attribute is set is separated three or more lines from the line including the coordinate at which the first attribute is set. Wherein the correction is made in response to the coordinate at which said first attribute is set.

Conclusion

24. The Instant Application is not currently in condition for allowance.

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Silver
Patent Examiner
Art Unit 2128


KAMINI SHAH
SUPERVISORY PATENT EXAMINER